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ABBOTT DIABETES CARE INC.
and ABBOTT LABORATORIES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABBOTT DIABETES CARE INC. and
ABBOTT LABORATORIES,

Plaintiffs,

vs.

ROCHE DIAGNOSTICS CORPORATION
and BAYER HEALTHCARE LLC

Defendants.

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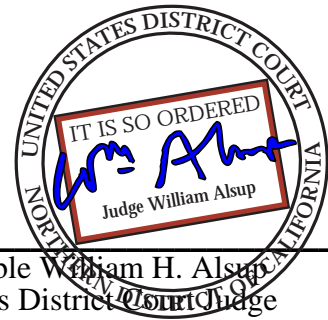
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CASE NO. C05-3117 WHA

**[PROPOSED] AGREED ORDER OF
DISMISSAL WITH PREJUDICE AS TO ALL
CLAIMS ASSERTED AGAINST (1) ROCHE
DEFENDANTS BY PLAINTIFFS; AND (2)
PLAINTIFFS BY ROCHE DEFENDANTS**

Pursuant to the Rule 41(a) Stipulation of Dismissal With Prejudice filed by Plaintiffs Abbott Diabetes Care, Inc. and Abbott Laboratories ("Plaintiffs") and Defendants Roche Diagnostics Corporation and Roche Diagnostics Operations Incorporated ("Roche Defendants"), the claims and causes of action that were asserted in this case by (a) Plaintiffs against the Roche Defendants; and (b) Roche Defendants against Plaintiffs, are DISMISSED WITH PREJUDICE, with each party to bear its own costs, expenses, and attorneys' fees.

Signed this 27 day of May, 2008.



The Honorable William H. Alsup
United States District Court Judge